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|-----------------|-------------|----------------------|---------------------|------------------|
| 10/579,242      | 05/12/2006  | Yasushi Inda         | 062484              | 7108             |

38834 7590 05/21/2010  
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| EXAMINER |
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MAPLES, JOHN S

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| ART UNIT | PAPER NUMBER |
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1795

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| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

05/21/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/579,242 | <b>Applicant(s)</b><br>INDA, YASUSHI |  |
|                              | <b>Examiner</b><br>John S. Maples    | <b>Art Unit</b><br>1795              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/30/09;6/18/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

1. Applicant's election with traverse of Group I in the reply filed on 30 March 2010 is acknowledged. The traversal is on the grounds that the two groups have the same technical feature. This is not found persuasive because as set forth in the 15 January 2010 lack of unity requirement, because there are prior art references that meet the claimed subject matter of Group I, then the special technical feature in claim 1 does not contribute over the art and holding of lack of unity is proper.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 12-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

3. The disclosure is objected to because of the following informalities: page 12, line 21, the sigma symbol is incorrect and page 12, lines 23 and 33, the double "i" is incorrect in the formula as is the "0i2". Page 13, lines 8 and 28; page 14, lines 4 and 31; page 15, lines 7, 14, 33, 34; the sigma symbol is incorrect. Page 16, lines 12-13, many of the compounds set forth are incorrect. The formula in line 1 on page 25 is in error. The sigma symbol in line 13 on page 25; page 31, line 10; page 32, line 9 and page 33, line 2 is incorrect. The formula in line 28 on page 28 is in error as is the formula on page 31, line 5. Applicant should carefully and completely review the entire specification for similar and additional errors and correct the same.

Art Unit: 1795

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by either Inda-US 2004/0106046 ('046).

In '046, a solid electrolyte thin plate composed of the same material as applicant's claim 9 is set forth in paragraphs 26, 28, 31 along with Examples 1 and 3 and thus meets applicant's claims 1-4, 8, 9. The said electrolyte is free of an organic substance because the same may include an inorganic binder-see paragraphs 22 and 26 in '046. The solid electrolyte is also free of an electrolytic solution. Paragraphs 16, 26 and 28 of '046 recite the claimed particle size of claim 5 with paragraph 22 setting forth the claimed amount of the lithium ion crystalline in the electrolyte and the Abstract sets forth the claimed conductivity and claim 2 of '046 sets forth the claimed thickness of the electrolyte.

Art Unit: 1795

6. Claims 1-4, 6-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Inda et al.-US 2003/0224244. ('244)

In '244, a solid electrolyte thin plate composed of the same material as applicant's claim 9 is set forth in paragraph 22 along with Examples 1 and 2 and thus meets applicant's claims 1-4, 8, 9 (Paragraphs 17 and 26 recite the claimed conductivity). The said electrolyte is free of an organic substance because a binder is not required-see paragraph 22 in '046. The solid electrolyte is also free of an electrolytic solution. Example 2 of '244 sets forth the claimed thickness of the electrolyte.

7. Claims 1-4, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Fu-US 6,485,622. (Fu)

Reference is made to the Abstract to Fu which teaches a solid electrolyte thin plate composed of a similar material as applicant's claim 9 as set forth in column 4, lines 45-51 and thus meets applicant's claims 1-4 (Example 1 recites the claimed conductivity). The said electrolyte is free of an organic substance because a binder is not required. The solid electrolyte is also free of an electrolytic solution.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 1795

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fu.

The only claimed features not taught by Fu are the specific amounts of the compounds in the solid electrolyte. It would have been obvious to have selected the amounts in the teaching of Fu within the range claimed by applicant because the same would allow for higher conductivity of the solid electrolyte.

10. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over either '046 or '244, each taken in view of Fu.

The only claimed features not taught by either '046 or '244 are the specific amounts of the compounds in the solid electrolyte. It would have been obvious to have selected the amounts of the compounds as shown in the teaching of Fu and use the same in either '046 or '244 within the range claimed by applicant because the same would allow for higher conductivity of the solid electrolyte.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer Michener can be reached on 571-272-1424. The

Art Unit: 1795

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John S. Maples/

John S. Maples  
Primary Examiner  
Art Unit 1795

JSM/5-17-2010